

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JACOB TEOFILLO GONZALES,

Plaintiff,

v.

Civ. No. 16-210 GJF

SOCIAL SECURITY ADMINISTRATION,
Carolyn W. Colvin, Acting Commissioner of SSA,

Defendant.

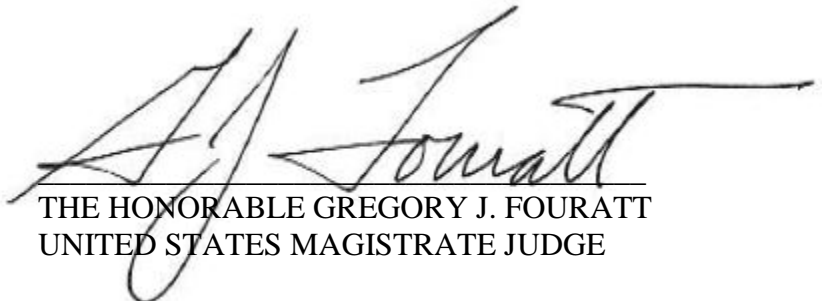
**ORDER GRANTING STIPULATED MOTION FOR AWARD OF ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER comes before the Court upon the parties' "Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412" ("Stipulation") [ECF No. 23]. The Court, having reviewed the Stipulation and noting the concurrence of the parties, find the Stipulation to be well taken and will ORDER the relief requested therein.

THE COURT THEREFORE ORDERS that attorney fees be awarded under the EAJA, payable to Plaintiff in care of her attorney in the amount of \$4,598.40. *See Astrue v. Ratliff*, 130 U.S. 2521 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE